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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,707	12/02/2004	Toshinori Kouzai	450100-05037	6608
7590 William S Frommer Frommer Lawrence & Haug 745 Fifth Avenue New York, NY 10151				
04/04/2008				
EXAMINER				
DANG, HUNG Q				
ART UNIT		PAPER NUMBER		
2621				
MAIL DATE		DELIVERY MODE		
04/04/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/516,707

Applicant(s)

KOUZAI ET AL.

Examiner

HUNG Q. DANG

Art Unit

2621

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date 12/02/2004.
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 01/18/2008 have been fully considered but they are not persuasive.

At page 3, Applicant argues that "nothing in Tauchi et al. shows, teaches or suggests that when data having a second format is recorded in the a second sector of a track, format information recorded in the first sector indicates the second format while format information recorded in the third sector indicates the first format." In response, the Examiner respectfully disagrees for the following reason:

In Fig.8 and Fig. 10 of Tauchi et al., the structure of the tracks, each of which comprises an ITI sector, a main sector, and a subcode sector, are disclosed. The ITI sector corresponds to the third sector. In this sector, format information is recorded to indicate the first format as described in [0128] and [0129]. The first format is ditital-8 used for SD recording to record and replay video signals that are identical to DV. In other words, in the context of Tauchi's teachings, DV, digital-8, and SD refer to the first format. In [0128], specifically, Tauchi et al. states, "when APT2, APT1, and APT0 are all zero, it means that data for commercial digital video cassette recorders is recorded in the track, that is, data having the DV format is recorded." This passage clearly discloses, the "format information recorded in the third sector indicates the first format".

In [0101], Tauchi et al. state that, "further, the MPEG-method recording-signal processing section 2 records identification information indicating that data being recorded is that compressed by an MPEG method into the ID of the main sector shown

in Fig. 7 and into the ID of the sub-code sector shown in Fig. 8. Obviously, the sub-code sector disclosed by Tauchi et al. corresponds to the first sector in the claimed invention. The ID of this sector is used to record identification information indicating that data being recorded in the second sector is that compressed by an MPEG method, which corresponds to the second format.

At page 4, Applicant argues "nothing in Tauchi et al. shows, teaches or suggests that when data having a second format is recorded in the a second sector, format information is recorded in the first sector indicates the second format while information recorded in the third sector indicates the first format as claimed in claims 1 and 3-4". The Examiner's response is similar to that described above.

The rejections, therefore, stand as previously presented.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tauchi et al. (US 2001/0055473 A1).

Regarding claim 1, Tauchi et al. disclose a recording apparatus adapted for recording first definition data in accordance with a first format ([0068]), and for recording data having a definition different from the first definition data in accordance with a second format different from the first format onto a magnetic tape ([0066]) in which

plural tracks each consisting of first sector, second sector, and third sector are formed in conformity with the first format (Fig. 1; Fig. 30; Fig. 32), the recording apparatus comprising: compressed data processing means for performing compression processing of inputted second definition data to generate compressed data ([0066]); system data generating means for generating system data including at least time code ([0093]); time management information generating means for detecting time information from the inputted second definition data to generate time management information on the basis of the time information ([0067]); extended track number generating means for generating extended track number on the basis of the time management information ([0093]); processing means for processing the compressed data and the system data ("Digital 8-Method Recording Signal Processing Section 1" and "MPEG-Method Recording Signal Processing Section 2" in Fig. 2); read-out means for reading out compressed data and system data which are processed by processing means ("24-to-25 Conversion Section 4", "Sync and ITI Generating Section 5", and "switch 6" in Fig. 2); control means for controlling the read-out means so as to read out, at a predetermined timing, the compressed data and the system data which are processed by the processing means on the basis of the extended track number ([0071]; [0093]); and recording means for recording, into the second sector, the compressed data which has been read out by the read-out means ([0098]; [0099]; [0101]; [0103]; [0106]), and for recording, into the third sector, along with extended track number, the system data which has been read out by the read-out means ([0100]; [0093]; [0106]); wherein the recording means records, at a predetermined position of the first sector, format

information indicating that compressed data is recorded in the second sector in accordance with the second format ([0100]; [0101]), and records, at a predetermined position of the third sector (position in which format information indicating the first format is recorded in the case where data is recorded in accordance with the first format (position from the leading address of the first sector)), format information indicating the first format ([0128]; [0129]).

However, Tauchi et al. do not disclose memory means for storing the compressed data and the system data.

Memory means is very well known in the art at the time the invention was made. Thus, Official Notice is taken.

One of ordinary skill in the art at the time the invention was made would have motivated to incorporate a memory means into the recording apparatus disclosed by Tauchi et al. because it is a necessary and critical component for implementing digital systems.

Regarding claim 2, Tauchi et al. also disclose the compression data processing means performs compression processing of inputted second definition data by the MP@HL system or the MP@H-14 system ([0066]).

Claim 3 is rejected for the same reason as discussed in claim 1 above.

Claim 4 is rejected for the same reason as discussed in claim 1 above.

Claim 5 is rejected for the same reason as discussed in claim 2 above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUNG Q. DANG whose telephone number is (571)270-1116. The examiner can normally be reached on M-Th:7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hung Q Dang/
Examiner, Art Unit 2621

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621